THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2866 of 2007

Dated:15.02.2007

Between:

T.Ramachandra Reddy.

…Petitioner

and

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2866 of 2007

ORDER:

The petitioner is a resident of Vootupalli Village of Sodam Mandal in Chittoor District. He is allegedly the owner of land admeasuring Acs.4.00 in Survey No.30/4 situated at Palamanda Revenue Village. He statedly obtained a loan from Primary Agricultural Cooperative Society in 1996 and dug a bore well. He alleges that the fourth respondent started digging a bore well on 13.03.2005 within a distance of 64 metres (211.2 feet) from the petitioner's bore well without obtaining any permission. The petitioner complained about this, in response to which, the third respondent allegedly seized the bore well. Again the fourth respondent fixed a motor on 26.03.2005 and started drawing water by taking illegal power connection. Again a complaint was made to the second respondent and also the Village Secretary, in vain. The petitioner alleges that the third respondent intentionally did not take action on the complaint given by him and permitted respondents 4 and 5 in digging the bore well and installing the motor. Therefore, the petitioner filed the instant Writ Petition seeking the following relief.

> …this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of

Mandamus, declaring the action of the respondents 1 to 3 in allowing the 4th and 5th respondents to dig a bore well and draw the water within less than 64 metres away from my bore well is illegal, arbitrary and unconstitutional and consequently direct the respondents 1 to 3 to close the illegal bore sunk of the 4th and 5th respondents situated in Sy.No.19/17 of Palamanda Revenue Village, Sodam Mandal, Chittoor District and Sy.No.245/11 of Vootupalli Revenue Village, Sodam Mandal, Chittoor District respectively and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.

A perusal of the prayer in the Writ Petition would show that respondents 1 to 3 allowed the fourth respondent to dig the bore well by passing some order. Curiously, in spite of repeated queries, the learned Counsel for the petitioner did not place such order before this Court nor the proceedings/permission granted in favour of respondents 4 and 5 is annexed to the Writ Petition. Therefore, the Writ Petition is wholly misconceived. If the petitioner is aggrieved by any order passed by the third respondent, it shall be open to him to file an appeal under Section 33 of the Andhra Pradesh Water, Land and Trees Act, 2002.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

15.02.2007
vs